

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION

A.M., by and through his mother and
next friend, Aparna Deora, Ph.D.,

Plaintiff,

v.

BRIDGECREST ACCEPTANCE
CORPORATION d/b/a BRIDGECREST,

Defendant.

Case No. 4:20-CV-00553

DEFENDANT BRIDGECREST ACCEPTANCE CORPORATION d/b/a
BRIDGECREST'S MOTION TO STAY

Defendant Bridgecrest Acceptance Corporation d/b/a Bridgecrest (“Bridgecrest”) respectfully moves the Court to stay this action. There are two cases before the United States Supreme Court that will significantly impact this case. The first is *Barr v. American Association of Political Consultants*, Appeal No. 19-631, which concerns the very existence of the Telephone Consumer Protection Act (“TCPA”). The *Political Consultants* case has been fully briefed and argued and is awaiting decision. A petition for certiorari also is pending in the United States Supreme Court in *Facebook, Inc. v. Duguid*, Appeal No. 19-511. The Court considered the petition for certiorari in January 2020 but has yet to grant or deny certiorari.

If the Supreme Court declares the TCPA unconstitutional in *Political Consultants*, the *Facebook* appeal will be moot. If the TCPA remains a viable statute following the *Political Consultants* decision, it appears likely that the Supreme Court would grant certiorari in the *Facebook* case to decide the definition of an “automatic telephone dialing system” under the TCPA. What constitutes an “automatic telephone dialing system” will be central to resolving the case at bar. Thus, Bridgecrest seeks this Court’s Order staying this case until resolution of the

Political Consultants and *Facebook* appeals by the United States Supreme Court. The arguments and authorities supporting Bridgecrest's Motion are fully set forth in the accompanying Memorandum in Support of the same. Notably, at least one other Court in this District has stayed a Telephone Consumer Protection Act case on the same basis as Bridgecrest seeks here. *See Seefeldt v. Entertainment Consulting International, LLC, et al.*, --- F.Supp.3d ---, 2020 WL 905844, Case No. 4:19-cv-00188 (E.D. Mo. Feb. 25, 2020).

WHEREFORE Bridgecrest respectfully requests this Court enter an Order staying this action pending the Supreme Court's decisions in *Barr v. American Association of Political Consultants*, Appeal No. 19-631, and *Facebook v. Druguid*, Appeal No. 19-511, and for such other and further relief as the Court deems just and equitable.

Dated: May 21, 2020

Respectfully submitted,

By: /s/Juliet A. Cox

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CERTIFICATE OF SERVICE

The undersigned attorney hereby certifies that on this 21st day of May, 2020, a true and correct copy of the above and foregoing document was filed with the Court's CM-ECF system which will provide notice to all counsel of record.

/s/ Juliet A. Cox

ATTORNEY FOR DEFENDANT